IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5062 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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VANBA WD/O. PARBATSINH DAHYABHAI CHAUHAN

Versus

DIRECTOR OF PENSION AND PROVIDENT FUND

Appearance:

1. Special Civil Application No. 5062 of 1999

MR GM AMIN for Petitioner No. 1

MR MA BUKHARI, AGP for Respondent No. 1

MR HS MUNSHAW for Respondent No. 2

MR PARESH UPADHYAY for Respondent No. 3

CORAM : MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 20/06/2002

ORAL JUDGEMENT

1. The petitioner is widow of one Parbatsinh Dahyabhai Chauhan, who was Class-IV employee serving in

Ahmedabad District panchayat since 21st August, 1958. On reaching the age of superannuation he retired from the service and thereafter he was getting pension till the time he expired on 3rd July, 1995. After he expired, the pension received by him was discontinued. Hence, the petitioner made certain attempts with the respondents to get the family pension. However, she did not receive any favourable reply. Hence, she has approached this Court by way of this petition.

2. Today when the matter is called out for final hearing, Mr. M.A. Bukhari, Ld. AGP for respondent no. 1 makes a statement that decision has already been taken to grant family pension to the petitioner. He also places on record of this petition a letter in Form - X dated 21st September, 2000 sanctioning family pension to the petitioner. Mr. G.M. Amin, learned counsel for the petitioner has perused the said letter. In light of the decision taken by the respondent no.1 dated 21st September, 2000 the grievance of the petitioner does not survive and this petition has therefore become infructuous. The petition is, therefore, dismissed as having become infructuous. Rule discharged with no order as to costs. In case of any difficulty, liberty is reserved to the petitioner to approach this Court.

[Akshay H. Mehta, J.]

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